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23 UNITED STATES DISTRICT COURT
24 EASTERN DISTRICT OF WASHINGTON

25 PEREZ-FARIAS, et. al.,

26 Plaintiffs,

27 vs.

28 GLOBAL HORIZONS, INC., et. al.,

29 Defendants.

30 CLASS ACTION

31 No. 05 CV 3061 RHW

32 PLAINTIFFS' MEMORANDUM IN
33 SUPPORT OF MOTION TO EXTEND
34 APPEAL DEADLINE DUE TO
35 PLAINTIFFS' RULE 54 MOTION FOR
36 ATTORNEY FEES

37 Fed. R. Civ. P. 58(e) allows a court to extend the deadline for an appeal until
38 after a pending motion for attorney's fees has been resolved. On May 20, 2009,

1 Plaintiffs filed their motion for attorney's fees and costs. (Ct. Rec. 1098.) On June
 2 15, 2009, the Court entered an Amended Judgment regarding the 2007 jury verdict
 3 (Ct. Rec. 1128) and a Judgment regarding statutory damage awards pursuant to the
 4 Farm Labor Contractor Act (Ct. Rec. 1129). Also filed on June 15, 2009 was the
 5 Court's order granting Defendants' request for additional time to respond to
 6 Plaintiffs' Motion for Attorneys Fees. (Ct. Rec. 1127). Pursuant to the Court's
 7 order, the Defendants' response brief is due on July 15, 2009 and the Plaintiffs'
 8 reply brief is due on July 22, 2009. Should any party choose to appeal either of the
 9 Judgments entered on June 15, 2009, the 30-day appeal date would run on July 15,
 10 2009, unless stayed pursuant to Fed. R. Civ. P. 58(e).

12 In light of the overlapping deadlines and to conserve the resources of the
 13 parties and the judicial system, Plaintiffs request that the Court enter an order that
 14 the Plaintiffs' Motion for Attorney's Fees shall have the same effect under Federal
 15 Rule of Appellate Procedure 4(a)(4) as a timely motion under Fed. R. Civ. P. 59.
 16 Such an order would be consistent with the Advisory Committee Notes under
 17 Rule 58 which state:

18 [In] many cases it may be more efficient to decide fee questions before an
 19 appeal is taken so that appeals relating to the fee award can be heard at the
 20 same time as appeals relating to the merits of the case.

22 Fed. R. Civ. P. 58 advisory committee's note.

1 Plaintiffs respectfully request that the Court enter an Order to extend the
2 appeal deadline until the fee dispute has been resolved.
3

4 DATED this 18th day of June, 2009.

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6 s/ Joachim Morrison

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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of June, 2009, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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I further certify that I have caused the foregoing document to be mailed by United States Postal Service to the following non-CM/ECF participants: None.

s/ Joachim Morrison
Joachim Morrison